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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/578,679

Filing Date: May 26, 2000

Appellant(s): YAMAZAKI, AKIHISA

D. Richard Anderson  
For Appellant

**EXAMINER'S ANSWER**

**MAILED**

**JUN 3 0 2005**

**Technology Center 2600**

This is in response to the appeal brief filed 4/08/2005 appealing from the Office action mailed 3/9/05.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizikovsky (U.S. Patent Number 5,559,860).

***Regarding claim 1***, Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a data communication system (which reads on a cellular system) comprising a mobile telephone (10) capable of communicating with a communication apparatus (52) via a network (which reads on a peripheral multi purpose interface), and an image processing unit (52a facsimile device), capable of data communication with said mobile telephone and of image output (which reads on column 6 lines 50-57); wherein said mobile telephone includes: a first data receiving unit (44) for receiving data transmitted from said communication apparatus (which reads on column 6 lines 7-21) wherein the received data includes information identifying the received data as voice, text, image or moving picture data (which reads on Caller ID processor 44 is adapted to compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine if the calling party is one of the previously selected, or pre-

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programmed calling parties disclosed in column 8 lines 13-18); a data transmitting unit (53) for transmitting the data received by said first data receiving unit to said image processing unit (which reads on column 7 lines 21-31); and an incoming voice alert generating unit (510, 522 exhibited in figure 5) for issuing an incoming call alert when data that has been received by said first data receiving unit represents voice data (which reads on column 7 lines 60-67); and said image processing unit includes: a second data receiving unit (36) for receiving data transmitted from said data transmitting unit of said mobile telephone (52b exhibited in figure 1); and an incoming image alert generating unit (48) for generating an incoming call alert when data that has been received by said second data receiving unit (36) represents image data (which reads on column 3 lines 1-7).

***Regarding claim 2,*** Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a mobile telephone (10) capable of communicating with a communication apparatus (52) via a network (which reads on a peripheral multi purpose interface) and with an image processing unit (52a facsimile device) that is capable of outputting an image, comprising: a data receiving unit for receiving data transmitted from said communication apparatus wherein the received data includes information identifying the received data as voice, text, image or moving picture data (which reads on Caller ID processor 44 is adapted to compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine if the calling party is one of the previously selected, or pre-programmed calling parties disclosed in column 8 lines 13-18); a data transmitting unit (52) for transmitting the data received by said data receiving

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unit to said image processing unit (which reads on column 7 lines 21-31); and an incoming call alert generating unit (48) for issuing a first incoming call alert when data that has been received by said data receiving unit represents voice data and a second incoming call alert (which reads on column 2 lines 60-67), which is different from the first incoming call alert, when the data that has been received by said data receiving unit represents image data (which reads on column 3 lines 1-7).

**Regarding claim 3**, Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a reception incapable data transmitting unit (18) which, when said image processing unit is incapable of receiving data, is for transmitting data indicative thereof to said communication apparatus that transmitted the data incapable of being received (which reads on column 7 lines 21-31).

**Regarding claim 4**, Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a mobile telephone (10) capable of communicating with a communication apparatus (52) via a network (which reads on a peripheral multi purpose interface) and with a plurality of image processing units (52-52f) that are capable of outputting images comprising: a data receiving unit (44) for receiving data transmitted from said communication apparatus wherein the received data includes information identifying the received data as voice, text, image or moving picture data (which reads on Caller ID processor 44 is adapted to compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine

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if the calling party is one of the previously selected, or pre-programmed calling parties disclosed in column 8 lines 13-18); a data transmitting unit (52) for transmitting the data received by said data receiving unit to said image processing unit (which reads on column 7 lines 21-31); and an incoming call alert generating unit (48) for issuing a first incoming call alert when data that has been received by said data receiving unit represents voice data and a second incoming call alert (which reads on column 2 lines 60-67), which is different from the first incoming call alert, when the data that has been received by said data receiving unit represents image data (which reads on column 3 lines 1-7); a setting unit (42) for setting which of said plurality of image processing units is to receive image data (which reads on column 7 lines 14-19); and an incoming call alert generation controller (52) for controlling the plurality of image processing units in such a manner said image processing unit that has been set by said setting unit will issue an incoming calls alert when it receives data representing image data (which reads on column 7 lines 61-67).

***Regarding claim 5***, Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a image processing unit (18) capable of data communication with a mobile telephone (10) and of image output, said mobile telephone (10) being capable of communicating with a communication apparatus (52) via a network (which reads on a peripheral multi purpose interface), said image processing unit comprising: a data receiving unit (44) for receiving data, which has been transmitted from said communication apparatus, via said mobile telephone (which reads on column 6 lines 7-21) wherein the received data includes information identifying the received data as voice, text,

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image or moving picture data (which reads on Caller ID processor 44 is adapted to compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine if the calling party is one of the previously selected, or pre-programmed calling parties disclosed in column 8 lines 13-18); and an incoming image alert generating unit (48) for issuing an incoming call alert when data that has been received by said data receiving unit represents image data (510, 522 exhibited in figures 1 and 5).

***Regarding claim 6,*** Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a method of controlling a mobile telephone capable of communicating with a communication apparatus (52) via a network (which reads on a peripheral multi purpose interface) and of communicating with an image processing unit (18) that is capable of outputting an image, said method comprising the steps of receiving data which is transmitted from the communication apparatus (52) wherein the received data includes information identifying the received data as voice, text, image or moving picture data (which reads on Caller ID processor 44 is adapted to compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine if the calling party is one of the previously selected, or pre-programmed calling parties disclosed in column 8 lines 13-18), in such a manner that the data can be transmitted to the image processing unit; using a first incoming call alert when the received data is voice data; and issuing a second incoming call alert, which is different from the first incoming call alert, when the received data is image data (which reads on column 2 lines 60-67).



*Regarding claim 7*, Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a method of controlling a mobile telephone capable of communicating with a communication apparatus (52) via a network (which reads on a peripheral multi purpose interface) and of communicating with a plurality of image processing units (52-52f) that are capable of outputting images, said method comprising the steps of receiving data, which is transmitted from the communication apparatus (which reads on column 6 lines 6-21) wherein the received data includes information identifying the received data as voice, text, image or moving picture data (which reads on Caller ID processor 44 is adapted to compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine if the calling party is one of the previously selected, or pre-programmed calling parties disclosed in column 8 lines 13-18), in such a manner that the data can be transmitted to the image processing units (18); issuing an incoming call alert when data that has been received is data representing voice data (which reads on column 2 lines 61-66); setting which of the plurality of image processing units is to receive image data (which reads on column 7 lines 14-19); and controlling the plurality of image processing units in such a manner the image processing unit that has been set will issue an incoming call alert when it receives data representing image data (which reads on column 7 lines 25-27).

**Regarding claim 8**, Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a method of controlling an image processing unit (18) capable of data communication with a mobile telephone and of image output, said mobile telephone (10) being capable of communicating with a communication apparatus (52) via a network (which reads on a peripheral multi purpose interface), said method comprising the steps of receiving data, which has been transmitted from said communication apparatus (which reads on column 6 lines 6-21) wherein the received data includes information identifying the received data as voice, text, image or moving picture data (which reads on Caller ID processor 44 is adapted to compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine if the calling party is one of the previously selected, or pre-programmed calling parties disclosed in column 8 lines 13-18), via said mobile telephone (10); and issuing an incoming call alert when data that has been received represents image data (which reads on column 7 lines 25-27).

**(11) Response to Argument**

With respect to Appellant's argument (1) addressing the rejection as applied to claim 1, being patentable over Mizikovsky. The appellant argues that a first data receiving unit wherein the received data includes information identifying the received data as voice, text, image or moving picture data, the examiner disagrees and argues the system of Mizikovsky discloses a first data receiving unit (44) for receiving data transmitted from said communication apparatus (which reads on column 6 lines 7-21) wherein the received data includes information

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identifying the received data as voice, text, image or moving picture data (which reads on Caller ID processor 44 is adapted to compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine if the calling party is one of the previously selected, or pre-programmed calling parties disclosed in column 8 lines 13-18) the user sets up the caller ID to store the information that identifies the caller, the mobile determines which peripheral response category that has been assigned to the calling party and based upon the peripheral response category assigned, the mobile transmits the data to the assigned peripheral, this inherently teaches "identifying" the received data as voice or text image or moving picture data.

With respect to Appellant's argument (2) addressing the rejection as applied to claim 1, The appellant further argues that an incoming –voice alert generating unit for issuing an incoming-call alert when data that has been received by the first data receiving unit represents voice data, the examiner disagrees and argues the system of Mizikovsky discloses a incoming voice alert generating unit (510, 522 exhibited in figure 5) for issuing an incoming call alert when data that has been received by said first data receiving unit represents voice data (which reads on column 7 lines 60-67) the alert generator is activated to generate a distinctive ringing indication which represents a priority phone call, this inherently teaches that the data received in voice data otherwise the data would have been sent to the assigned peripheral. In further support of the examiner's position the examiner additionally points out that Mizikovsky teaches in column 6 lines 15-33, "a caller ID processor 44, a caller ID memory 46, an alert generator 48, an accessory device (or devices) 50 and a peripheral interface 52. Caller ID processor 44 is coupled to keypad 42 and is operable in a programming, or set up, mode to assemble identifying

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data representing a particular calling party as may be generated by the operation of the keypad.

The caller ID processor also is adapted to generate data representing a response category that the user wishes to assign to the assembled calling party identifying data.

With respect to Appellant's argument (3) addressing the rejection as applied to claim 1, being patentable over Mizikovsky. The appellant argues that an image processing unit including an incoming image alert generating unit for generating an incoming-call alert when data that has been received by the second data receiving unit represents image data, the examiner disagrees and argues the system of Mizikovsky discloses an incoming image alert generating unit (48) for generating an incoming call alert when data that has been received by said second data receiving unit (36) represents image data (which reads on column 3 lines 1-7). In further support of the examiner's position the examiner points to column 7 lines 21-27 if a facsimile response category is assigned to a particular calling party, an incoming call received from that calling party activates facsimile device 52a and initiates an appropriate communication protocol at interface 52 such that an incoming facsimile message is received and indicia are printed automatically, this inherently teaches the "alert" being the printing of the fax.

Regarding claim 2, appellant argues "a data receiving unit for receiving data transmitted from the communication apparatus wherein the received data includes information identifying the received data as voice, text, image or moving picture data," first data receiving unit (44) for receiving data transmitted from said communication apparatus (which reads on column 6 lines 7-21) wherein the received data includes information identifying the received data as voice, text, image or moving picture data (which reads on Caller ID processor 44 is adapted to

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compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine if the calling party is one of the previously selected, or pre-programmed calling parties disclosed in column 8 lines 13-18) the user sets up the caller ID to store the information that identifies the caller, the mobile determines which peripheral response category that has been assigned to the calling party and based upon the peripheral response category assigned, the mobile transmits the data to the assigned peripheral, this inherently teaches “identifying” the received data as voice or text image or moving picture data, and regarding “an incoming-call alert generating unit for issuing a first incoming –call alert when data that has been received by the data receiving unit represents voice data and a second incoming-call alert, which is different from the first incoming-call alert, when the data that has been received by the data receiving unit represent image data” this which reads on column 3 lines 1-7.

Regarding claim 3, appellant argues “the reception-incapable data transmitting unit” In further support of the examiner’s position the examiner additionally points out that Mizikovsky teaches in column 12 lines 38-44, a scrambler if the user had assigned to this calling party (which reads on a undistinguishable call) a scramble-type response, then instruction 518 serves to activate the scrambler and the mobile station then communicates with the calling party by way of this scrambler.

Regarding claim 4, appellant argues “setting unit (42) for setting which of said plurality of image processing units is to receive image data” (which reads on column 7 lines 14-19) In further support of the examiner’s position the examiner points out the keypad being the setting unit (42),

Regarding claim 5, appellant argues “the image processing unit comprising the data receiving unit (44) and the incoming image alert generating unit (48) (which reads on column 6 lines 1-12), in further support of the examiner’s position the examiner points out the fax machine as the image alert generating unit it produces the faxed page which alerts the user that some thing has been received.

Regarding claim 6, appellant argues the same elements of claim 1 as stated in the above discussion.

Regarding claim 7, appellant argues “controlling the plurality of image processing units in such a manner that the image processing unit that has been set will issue an incoming-call alert when it receives data representing image data”, (which reads on column 7 lines 25-27) in further support of the examiner’s position the examiner points out the interface (52) reads on controlling the image processing unit.

Regarding claim 8, appellant argues “issuing an incoming-call alert when data the has been received represents image data”, (which reads on column 7 lines 25-27), in further support of the examiner’s position the examiner points out the fax machine as the image alert generating unit it produces the faxed page which alerts the user that some thing has been received.

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***Conclusion***


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


S. Smith 

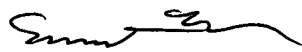
June 24, 2005

Conferees:

Joe Field 

Ed Urban

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2000

BIRCH STEWART KOLASCH & BIRCH

PO BOX 747

FALLS CHURCH, VA 22040-0747